

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND COMPOUNDING
PHARMACY, INC. PRODUCTS LIABILITY
LITIGATION

This Document Relates to:

1:14-cv-12905-RWZ: Epperly v. Insight Health Corp., *et al.*
1:14-cv-12908-RWZ: McFarlane v. Insight Health Corp., *et al.*) MDL No. 1:13-md-2419-RWZ
1:14-cv-12910-RWZ: Smith v. Insight Health Corp., *et al.*
1:14-cv-12916-RWZ: Kalinoski v. Insight Health Corp., *et al.*
1:14-cv-12917-RWZ: Filson v. Insight Health Corp., *et al.*
1:14-cv-12919-RWZ: Bradley v. Insight Health Corp., *et al.*
1:14-cv-12924-RWZ: Foutz v. Insight Health Corp., *et al.*
1:14-cv-12927-RWZ: Whitlow v. Insight Health Corp., *et al.*
1:14-cv-12928-RWZ: Harris v. Insight Health Corp., *et al.*
1:14-cv-12929-RWZ: Smith v. Insight Health Corp., *et al.*

**[PROPOSED] ORDER GRANTING INSIGHT HEALTH CORP.'S RENEWED MOTION
FOR LEAVE TO AMEND ITS RESPONSES TO REQUESTS FOR ADMISSION AND
TO SUPPLEMENT INSIGHT HEALTH CORP.'S
MOTION FOR RECONSIDERATION OF PARTIAL SUMMARY JUDGMENT**

On July 21, 2014, Insight Health Corp. filed its Renewed Motion for Leave to Amend Its Responses to Requests for Admission and to Supplement Its Motion for Reconsideration of Partial Summary Judgment ("Motion") and supporting memorandum. After considering the Motion, supporting memorandum, other materials supplied to the Court, and the oral arguments of counsel at hearing, this Court finds good cause for the Motion and hereby makes the following findings:

1. Removal in the ten Gentry Locke Cases (*Bradley, Epperly, Filson, Foutz, Harris, Kalinoski, McFarlane, J. Smith, R. Smith, and Whitlow*) occurred on June 6, 2014, when Insight Health Corp. filed Notices of Removal and Transfer Pursuant to 28

U.S.C. § 157(b)(5) with the clerk of the Circuit Court for the City of Roanoke, Va. in each of the ten cases.

2. At the time of removal, the Circuit Court for the City of Roanoke, Va. had not issued any orders regarding Insight Health Corp.'s Motion for Leave to Amend Its Responses to Requests for Admission in the ten cases.
3. At the time of removal, the Circuit Court for the City of Roanoke, Va. had not issued any orders regarding Insight Health Corp.'s Motion for Reconsideration of Partial Summary Judgment in the ten cases.
4. Based on the allegations of Plaintiffs in the ten cases, Insight Health Corp. is a health care provider as contemplated in Virginia Code § 8.01-581.1.

Consequently, it is hereby:

1. ORDERED that Insight Health Corp.'s Motion for Leave to Amend Its Responses to Requests for Admission regarding Requests Nos. 1 and 2 is GRANTED; and it is further
2. ORDERED that Insight Health Corp. is deemed to be a health care provider as contemplated in Virginia Code § 8.01-581.1; and it is further
3. ORDERED that Insight Health Corp.'s Motion for Reconsideration of Partial Summary Judgment is GRANTED; and it is further
4. ORDERED that the orders granting partial summary judgment in the ten cases subject to Insight Health Corp.'s Motion are VACATED.

So Ordered

Dated: _____, 2014
Boston, Massachusetts

Judge Rya W. Zobel
United States District Court